

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop, ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where applicable. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

24267 7590 08/07/2006

CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210

**Certificate of Mailing or Transmission**

**Express**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for ~~first class~~ mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

11/02/2006 HBELETE2 00000036 10027013

01 FC:1501 1400.00 DP

Stephanie Mannino, (Depositor's name)  
*Stephanie Mannino* (Signature)  
October 31, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,013	12/21/2001	Alan L. Rowe	112056-0020	1131

TITLE OF INVENTION: SYSTEM AND METHOD FOR ALLOCATING SPARE DISKS IN NETWORKED STORAGE RELATED APPLICATIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$0	\$1400	11/07/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
PUENTE, EMERSON C	2113	714-006000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Cesari and McKenna, LLP

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**Network Appliance, Inc.**

**Sunnyvale, CA**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☒ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 03-1237 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature A. Sidney Johnston

Date October 31, 2006

Typed or printed name A. Sidney Johnston

Registration No. 29,548

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATENTS  
112056-0020  
P01-1041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:	)	
Alan L. Rowe et al.	)	
	)	Confirmation No.: 1131
Serial No.: 10/027,013	)	
	)	
Filed: December 21, 2001	)	Examiner: Puente, Emerson C.
	)	
For: SYSTEM AND METHOD FOR	)	
ALLOCATING SPARE DISKS IN	)	Art Unit: 2113
NETWORKED STORAGE	)	
		Cesari and McKenna, LLP
		88 Black Falcon Avenue
		Boston, MA 02210
		October 31, 2006

“Express Mail” Mailing-Label Number: EV 916599269 US

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ISSUE-FEE TRANSMITTAL**

In response to the Notice of Allowance and Issue Fee Due mailed August 7, 2006,  
for the above-identified application, enclosed are the following documents:

- Issue Fee Transmittal Form PTOL-85b;
- Fee Transmittal Letter; and
- a check for \$1400 to cover the issue fee.

PATENTS  
112056-0020  
P01-1041

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "A. Sidney Johnston", written over a horizontal line.

A. Sidney Johnston  
Reg. No. 29,548  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500



PATENTS  
112056-0020  
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NETWORKED STORAGE	)	
	)	
	)	Cesari and McKenna, LLP
		88 Black Falcon Avenue
		Boston, MA 02210
		October 31, 2006

**EXPRESS-MAIL DEPOSIT**

"Express Mail" Mailing-Label Number: EV 916599269 US

The following papers are being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

<u>X</u> Check No. <u>33830</u> for \$1,400	<u>X</u> Form PTOL-85B
<u>X</u> Issue Fee Transmittal Letter	<u>X</u> Return Request Postcard